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Technical Advisory

TA 182

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**SUBJECT:** Loss Runs

**BACKGROUND:** Loss runs are an integral part of underwriting and marketing Commercial Lines accounts. Obtaining loss runs from insurers, especially from previous insurers, can frequently prove difficult. However, a statute in Louisiana requires that insurers provide loss runs for the three previous years within **30 days** of a written request by the named insured.

**MAIN POINTS:** Here is the actual statutory wording, from 22:1214 (20), which is a section from Louisiana's Unfair Trade Practices Act.

*(20) Failure to provide claims history.*

*(a) Loss information--property and casualty. Failure of a company issuing property and casualty insurance to provide the following loss information for the three previous policy years to the first named insured within thirty days of receipt of the first named insured's written request:*

*(i) On all claims, date, and description of occurrence, and total amount of payments.*

*(ii) For any occurrence not included in Item (i) of this Paragraph, the date and description of occurrence.*

*(b) Should the first named insured be requested by a prospective insurer to provide detailed loss information in addition to that required under Subparagraph (a), the first named insured may mail or deliver a written request to the insurer for the additional information. No prospective insurer shall request more detailed loss information than reasonably required to underwrite the same line or class of insurance. The insurer shall provide information under this Subparagraph to the first named insured as soon as possible, but in no event later than twenty days of receipt of the written request. Notwithstanding any other provision of this Section, no insurer shall be required to provide loss reserve information, and no prospective insurer may refuse to insure an applicant solely because the prospective insurer is unable to obtain loss reserve information.*

*(c) The commissioner may promulgate regulations to exclude the providing of the loss information as outlined in Subparagraph (a) for any line or class of insurance where it can be shown that the information is not needed for that line or class of insurance or where the provision of loss information otherwise is required by law.*

*(d) Information provided under Subparagraph (b) shall not be subject to discovery by any party other than the insured, the insurer, and the prospective insurer.*

**NECESSARY ACTION:**

Circulate this Technical Advisory to all Commercial Lines staff.